

PAL NSR Reform Workgroup  
9/21/04

Attending: Scott Nielson  
Glen Rosenhamer  
Rich Stephens  
Jim Nitzchke  
Michael Li  
Chris Roling  
Mick Durham

After spending part of the summer reviewing the preamble and the proposed rules the main goal of today's meeting was to make a decision regarding how to implement the proposed PAL rules.

Chris Roling gave a brief summary of the court case involving the NSR Reform rules. There probably won't be a resolution of the court case until mid 2005. Potential for more appeals after that.

The following are summaries of comments made by workgroup members regarding implementing the PAL rules.

- Time consuming and difficult to rewrite the rules and not be less stringent than the proposed federal rules.
- Guidance policies might be able to clarify procedures used to obtain a PAL permit.
- A guidance policy for modeling of facilities that have a PAL permit should be possible and beneficial.
- It may not be possible to write guidance documents until the rules are in the Iowa code, approved by EPA, and possibly not until a few PAL permit applications have been processed.
- Adopting the proposed PAL rules by reference is the simplest method. Typically EPA retains more ownership of the rule this way and tends to influence interpretations and implementation of the rules. "It's their rule, they know it better than anyone else."
- Writing the proposed PAL rules into the Iowa code requires more time and work. EPA tends to hold less ownership of the rules this way and is less likely to dictate how they are used. This doesn't mean that EPA won't comment or object to a PAL permit or implementation of the PAL rules.
- For national companies, writing the rules into the Iowa code can lead to inconsistencies across the country. For example Michigan, which is a delegated state, will use the rules as proposed by EPA. Iowa, a SIP approved state, may have a slightly different rule or

wording if it is written into the Iowa code. Some of the differences already exist in the way different states and regions implement rules and issue interpretations.

After the discussion the workgroup decided it would be very difficult to re-write all or part of the rules. It was recommended that the rules be adopted without modification.

The attendees of the meeting agreed to survey all members of the workgroup by e-mail to determine a recommendation of how the rules should be added to the Iowa code.

The question to be distributed to workgroup members is:

Should the proposed NSR Reform PAL rules be adopted by reference or should the proposed NSR Reform PAL rules be written into the Iowa code?

Rich Stephens agreed to survey the workgroup members as soon as possible and to distribute the results to all workgroup members.

A final recommendation will be made to the large NSR Reform group at the late October meeting.